

Attorney Docket No. 0800-0022.01

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of CUNNINGHAM

Serial No.: CON of 09/706,580

Examiner: Unassigned

Confirmation No.:

Art Unit: Unassigned

Filed: On even date herewith

For: ECDYSONE-INDUCIBLE ADENO-ASSOCIATED VIRUS EXPRESSION  
VECTORS

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Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97(b)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,

Applicant(s) hereby submits the following information in conformance with 37 C.F.R.

§§1.97 and 1.98.

- ☐ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO-1449 is enclosed.
- ☒ No copies of the publications listed on the attached Form PTO-1449 are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. 09/706,580 to which the above-identified application claims priority under 35 U.S.C. §120.
- ☐ Publication(s) \_\_\_\_\_ listed on the attached Form PTO-1449 were cited in a foreign search or examination report corresponding to \_\_\_\_\_ application serial no. \_\_\_\_\_ and mailed on \_\_\_\_\_.
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).

- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. English language publication \_\_\_\_ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) \_\_\_\_\_ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) \_\_\_\_\_ cited in the attached Form PTO-1449.
- ☐ Enclosed is a copy of pending patent Application Serial No. \_\_\_\_\_.

This Information Disclosure Statement is filed with the herein continuation application.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO-1449 to the undersigned.

Dated: 9/24/03

Respectfully submitted,

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FORM PTO-1449 (Modified)  
 LIST OF PATENTS AND PUBLICATIONS  
 FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  
 (Use several sheets if necessary)  
 Sheet 1 of 3

In the Application of Janet CUNNINGHAM

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Title: ECDYSONE-INDUCIBLE ADENO-ASSOCIATED VIRUS EXPRESSION VECTORS

U.S. PATENT DOCUMENTS

Exam. In it.	Ref. Desig.	Document No.	Date	Name	Class	Sub Class	Filing Date
	A1	5,252,479	November, 1993	Srivastava	435	235.1	
	A2	5,846,528	December 8, 1998	Podsakoff et al.			
	A3	6,015,709	August, 1997	Natesan	435	366	
	A4	6,117,680	August, 1998	Natesan et al.	435	455	

Examiner:

Date Considered:

EXAMINER: Initial if citation considered whether or not the citation conforms with MPEP609. Draw a line through the citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FOREIGN PATENT DOCUMENTS

Exam. Init.	Ref. Desig.	Document No.	Publication Date	Country or Patent Office	Class	Sub Class	Translation YES NO	
	B1	WO 97/38117	October 16, 1997	PCT				
	B2	WO 98/26066A	June 18, 1998	PCT				
	B3	WO 99/02683A	January 21, 1999	PCT				
	B4	WO 99/47690A	September 23, 1999	PCT				
	B5	WO 00/12741A	March 9, 2000	PCT				
	B6	WO 00/18903A	April 6, 2000	PCT				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Exam. Init.	Ref. Desig.	Description
	C1	Anderson, W. F. Nature,, Vol. 392, Supp., 30 April 1998, pp. 25-29
	C2	Bohl et al., "Improvement of Erythropoiesis in $\beta$ -Thalassemic Mice by Continuous Erythropoietin Delivery from Muscle," <i>Blood</i> <u>95</u> :2793-2798 (2000)
	C3	Chen et al., "SMRT Isoforms Mediate Repression and Anti-Repression of Nuclear Receptor Heterodimers," <i>Proc. Natl. Acad. Sci. U.S.A.</i> <u>93</u> :7567-7571 (1996)
	C4	Felts et al., "New Retroviral Vectors for Inducible, Tightly Controlled Expression," <i>Strategies</i> <u>14</u> :15-16 (2000)

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In the Application of Janet CUNNINGHAM      Confirmation No.  
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Exam. Init.	Ref. Desig.	Description
	C5	Johns et al., "Inducible Genetic Suppression of Neuronal Excitability," <i>Journal of Neuroscience</i> <u>19</u> (5):1691-1697 (1999)
	C6	Kessler et al., "Gene Delivery to Skeletal Muscle Results in Sustained Expression and Systemic Delivery of a Therapeutic Protein," <i>Proc. Natl. Acad. Sci. U.S.A.</i> <u>93</u> :14082-14087 (1996)
	C7	Miller et al., <i>The FASEB Journal</i> , vol. 9, February 1995, pp. 197
	C8	No et al., "Ecdysone-Inducible Gene Expression in Mammalian Cells and Transgenic Mice," <i>Proc. Natl. Acad. Sci. U.S.A.</i> <u>93</u> :3346-3351 (1996)
	C9	Suhr et al., "High Level Transactivation by a Modified <i>Bombyx</i> Ecdysone Receptor in Mammalian Cells Without Exogenous Retinoid X Receptor," <i>Proceedings of the national Academy of Sciences of USA, US, National Academy of Science, Washington</i> <u>95</u> (14):7999-8004 (1998)
	C10	Verma et al., <i>Nature</i> , Vol. 389, 18 September 1997, pp.239-242
	C11	Wyborski and Vaillancourt, "Complete Control™ System for Inducible Mammalian Expression," <i>Stratagene</i> <u>12</u> :1-5 (1999)
	C12	Wyborski et al., <i>Strategies Newsletter</i> , "Versatile vectors for ponasterone A-inducible control of gene expression in mammalian cells," 1999, Vol. 12, No. 1, 1 <sup>st</sup> Quarter, pp.1-11
	C13	"Complete Control™ Inducible Mammalian Expression System," <i>Stratagene literature</i> , <a href="http://www.Stratagene.com/vectors/expression/control.html">www.Stratagene.com/vectors/expression/control.html</a>

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